## DISTRICT COURT OF THE UNITED STATES WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:16-cv-44-FDW

Detellualit.	)
Defendant.	)
ROBERT B. BULLIS,	) ORDER
vs.	ORDER
Plaintiff,	) )
ANTHONY DANE ELLIS,	)

**THIS MATTER** is before the Court on the pro se Plaintiff's "Motion to Withdraw Lawsuit." (Doc. No. 9). The Court construes the motion as a motion for voluntary dismissal under Rule 41 of the Federal Rules of Civil Procedure.

Under Rule 41, Plaintiff could have filed a notice of dismissal without a court order. <u>See</u> FED. R. CIV. P. 41(a)(1)(A)(i) (stating that the plaintiff may take a voluntary dismissal without a court order "before the opposing party serves either an answer or a motion for summary judgment"). In any event, the Court will grant Plaintiff's motion for voluntary dismissal.

## IT IS THEREFORE ORDERED that:

- 1. Plaintiff's Motion to Withdraw Lawsuit, (Doc. No. 9), is **GRANTED**, and this action is dismissed without prejudice.
- 2. The Clerk is instructed to terminate this action.

Frank D. Whitney

Chief United States District Judge